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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,931	12/01/2003	Harry Hornreich	IL920030041US1	3247
45544 7590 10/26/2009 HOFFMAN WARNICK LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207				
EXAMINER				
LONG, PONYA M				
ART UNIT		PAPER NUMBER		
3689				
NOTIFICATION DATE		DELIVERY MODE		
10/26/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HARRY HORNREICH,
SHIRI LUPOVICI, YAFIT SAMI,
MARJORIE SCHEJTER and
HAIM SCHNEIDER

Application No. 10/724,931
Technology Center 3600

Mailed: October 23, 2009

Before DELORES LOWE, *Review Team Paralegal*
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on October 20, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

APPEAL BRIEF, STATUS OF CLAIMS

A review of the file finds that the status of the claims as provided in the Appeal Brief filed March 3, 2009 under the heading "Status of Claims" is unclear and/or is not consistent with the status of claims of record in accordance with 37 CFR 41.37(c)(1)(iii). The status of the claims as provided in the Appeal Brief must be consistent with the last entered amendment. Each claim on appeal must be identified. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

A review of the last entered amendment finds that claims 1-6 are canceled; whereas the appellants have not indicated the status of these claims. Correction of the status of all claims is required.

EXAMINER'S CONSIDERATION OF SUPPLEMENTAL APPEAL BRIEF

Supplemental Appeal Brief was filed in this application on April 3, 2009. There is no evidence on the record indicating that the Examiner has considered the Supplemental Appeal Brief .

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on March 3, 2009 defective;
- 2) notify Appellants to file a paper properly addressing the status of all claims;
- 3) consider the Supplemental Appeal Brief filed April 3, 2009, as indicated above; and
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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